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9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,) No. CR 10-0275 WHA
14 Plaintiff,)
15 v.) UNITED STATES' APPLICATION FOR
16 LECONTE ONEAL,) STAY OF MAGISTRATE JUDGE'S
17 Defendant.) ORDER GRANTING RELEASE OF
DEFENDANT

19 The United States hereby requests that this Court STAY the Magistrate Court's order
20 granting release as to the defendant in the above captioned case until the United States' motion to
21 seek review of that order is decided by this Court.

22 The defendant is charged in a one-count indictment with possession of cocaine base with
23 intent to distribute in violation of 21U.S.C. § 841. On April 21, 2010, the parties appeared
24 before the Honorable Bernard Zimmerman for a detention hearing. A pretrial services report was
25 prepared that reflected the defendant's criminal history and available sureties. The defendant's
26 criminal history shows that in the past thirteen years he has had nearly continuous involvement
27 with the criminal justice system and has violated the terms of pretrial release, probation and
28

1 parole multiple times in every state case he was charged in. Most concerning to the United States
2 is that the defendant was convicted of felony crack sale thirty-nine days prior to his arrest on the
3 instant charge.

4 Following deliberation, Judge Zimmerman released the defendant on a \$250,000 bond
5 secured by the defendant's mother's home in Elk Creek, CA. As of the date of this filing, the
6 property has not been posted, and the release order is not yet final. However, the property may
7 be posted at any time between today and May 4, 2010, the date of the parties next appearance
8 before Judge Zimmerman and the date of the parties' initial appearance before this Court.

9 The United States therefore seeks a stay of Judge Zimmerman's ruling in order to afford
10 the United States an opportunity to seek review Judge Zimmerman's decision to release the
11 defendant.

12 A proposed order is being submitted herewith.

13 DATED: April 22, 2010.

14 Respectfully submitted,

15 JOSEPH P. RUSSONIELLO
United States Attorney

16 /s/

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BENJAMIN P. TOLKOFF
18 Assistant United States Attorney

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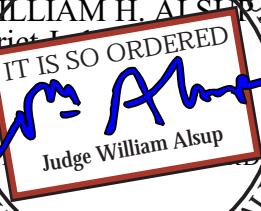
19 LECONTE ONEAL,)

20 Defendant.)

21 [PROPOSED] ORDER GRANTING
22 UNITED STATES' APPLICATION FOR
23 STAY OF MAGISTRATE JUDGE'S
24 ORDER GRANTING RELEASE OF
25 DEFENDANT

26 For good cause shown, the government's application for a stay of Magistrate Judge Bernard
27 Zimmerman's order granting release to defendant Leconte O'Neal in the above-entitled case is
28 GRANTED. ~~Said order is STAYED pending resolution of the government's appeal of the order~~
before the ~~duty~~ District Court in this Court's absence. It is further ORDERED that defendant
Leconte O'Neal is to remain in the custody of the United States Marshals Service until further
order of this Court. A hearing shall be held on this matter on Tuesday, April 27, 2010, at 2:00 p.m.

29 DATED: April 22, 2010.

30 HONORABLE WILLIAM H. ALSUP
31 United States District Judge
32 [PROPOSED] ORDER GRANTING U.S.' APPLICATION FOR STAY OF MAGISTRATE JUDGE'S
33 ORDER GRANTING RELEASE OF DEFENDANT
34 CR 10-0275 WHA
35 IT IS SO ORDERED
36 
37 Judge William Alsup
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